

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Samit Mao,

Case No. 25-cv-00870 (ECT/ECW)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

Speedway Gas Station, Gaurdem Security  
Group, and Devontie Qualls,

Defendants.

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On March 26, 2025, this Court ordered Plaintiff Samit Mao to pay an initial partial filing fee of \$22.65 within 21 days—that is, by April 16, 2025. (*See* Dkt. 4 at 3.) The Order warned that failure to do so could lead to dismissal without prejudice for failure to prosecute. (*Id.*) Mao has not paid the fee or otherwise communicated with the Court since filing this case. The Court therefore recommends dismissing this action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute. *See, e.g., Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”) (citing Fed. R. Civ. P. 41(b)).

### RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein,  
**IT IS RECOMMENDED** that: this action be **DISMISSED WITHOUT PREJUDICE**  
under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: April 24, 2025

s/Elizabeth Cowan Wright  
ELIZABETH COWAN WRIGHT  
United States Magistrate Judge

### NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).